

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MAPLE LEAF HOUSING
INVESTMENTS, LLC, a Washington
company,

Plaintiff,

vs.

TEXACO DOWNSTREAM PROPERTIES
Inc., a Delaware corporation,

Defendant.

Case No. 2:18-cv-01710-RSL

**JOINT STATUS REPORT AND
STIPULATED MOTION AND
ORDER FOR AN ADDITIONAL 60-
DAY STAY OF LITIGATION
PENDING COMPLETION OF
SETTLEMENT DISCUSSIONS**

Pursuant to the Court's Order (Dkt. # 43), Plaintiff MAPLE LEAF HOUSING INVESTMENTS, LLC ("MLHI") and defendant TEXACO DOWNSTREAM PROPERTIES INC. ("TDPI") submit the following joint status report.

MLHI and TDPI also jointly move the Court for an Order extending the current litigation stay, with the exception of settlement discussions, for an additional 60 days. As set forth in greater detail below, the parties are engaged in ongoing settlement negotiations and wish to preserve their, and the Court's, resources by focusing on a negotiated resolution of this matter rather than active litigation.

I. JOINT STATUS REPORT

On October 13, 2020, TDPI made a settlement proposal to MLHI. On October

29, MLHI responded to TDPI's settlement proposal with a revised demand to TDPI. TDPI is assessing the revised demand and anticipates a response shortly. Both parties remain hopeful that the case will settle but at this time settlement is not imminent. Both MLHI and TDPI believe that another 60 days is needed to conclude settlement discussions. Should the parties reach an impasse earlier than 60 days, they will report back to the Court accordingly and request that the requested litigation stay be lifted.

MLHI has commenced redevelopment work at the property which is the subject of this litigation. As a part of the redevelopment work, MLHI asserts that it will incur costs recoverable under Washington's Model Toxics Control Act ("MTCA"). It is anticipated that MLHI will have a better understanding of costs it asserts are recoverable under MTCA, and which are the subject of this lawsuit, within the next 30- to 45- days, which may inform and facilitate on going settlement discussions.

II. PROPOSED CASE MANAGEMENT SCHEDULE

MLHI and TDPI are jointly requesting a further 60-day litigation stay to conclude settlement discussions. Accordingly, MLHI and TDPI have not reached agreement on a contingent case management schedule. However, the parties agree that if this case does not settle within the next 60 days (by December 29, 2020), that it will be ready for trial within a year from the expiration of the litigation stay.

Based on the foregoing, if this matter does not settle within the next 60 days, the parties will submit a case management schedule no later than January 15, 2021, based on trial occurring in early 2022.

III. JOINT REQUEST FOR 60-DAY EXTENSION OF LITIGATION STAY

Based on the foregoing, and good cause identified therein, MLHI and TDPI jointly request that the Court issue an order:

- (1) Continuing the litigation stay approximately 60-days (expiring December 29, 2020), with the exception of settlement discussions and other ADR activities;
- and

(2) Setting a deadline for submission of a joint status report on settlement and proposed case management schedule no later than January 15, 2021.

IT IS SO STIPULATED THROUGH COUNSEL OF RECORD

Dated: November 2, 2020

ROGERS JOSEPH O'DONNELL, PC

By: /s/ Robert C. Goodman

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Dated: November 2, 2020

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I attest that concurrence in the filing of this document has been obtained from Howard F. Jensen, counsel for Maple Leaf Housing Investments, LLC.

1 Dated: November 2, 2020

ROGERS JOSEPH O'DONNELL

2 By: /s/ Robert C. Goodman

3 ROBERT C. GOODMAN

4 Attorneys for Defendant

ORDER

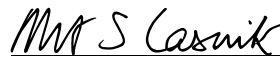
The Court ORDERS as follows:

1. With the exception of settlement discussions or other ADR-related activities, the parties shall stay all litigation activities, including discovery, through December 29, 2020.
2. In the event that this matter does not settle prior to December 29, 2020, no later than January 15, 2021, the Parties will file a joint status report and proposed case management schedule based on trial occurring in early 2022.

In the event that the case settles, counsel shall notify Deputy Clerk, Kerry Simonds at 206-370-8519 as soon as possible.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated this 2nd day of November, 2020.



Robert S. Lasnik
United States District Judge